

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF OHIO

EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION

MDL 2804

OPIATE LITIGATION

Case No. 17-md-2804

This document relates to:

Hon. Dan Aaron Polster

Track One Cases

EXHIBIT 1 – PARTIES’ AGREED-UPON JURY INSTRUCTIONS

The parties agree to the inclusion of the following standard form instructions used by the Court as relevant and appropriate for use in this case:

1. Duties of the Jury
2. Burden of Proof - Preponderance of the Evidence
3. Evidence Defined
4. Direct and Circumstantial Evidence
5. Inferences from Evidence
6. Stipulations of Fact
7. Credibility of Witnesses
8. Opinion Testimony
9. Charts and Summaries
10. Interrogatories and Admissions
11. Juror Notes
12. Number of Witnesses
13. Lawyers’ Objections

14. Corporate Defendants
15. Applicable Law
16. Introduction to Deliberation Procedures
17. Experiments, Research, Investigation and Outside Communications
18. Unanimous Verdict
19. Duty to Deliberate
20. Interrogatories and Verdict Forms
21. Juror Questions
22. Court Has No Opinion

In addition, the Parties have reached agreement on the following instructions:

Compensatory Damages – General

If you find that each County Government has proven their OCPA, RICO, or civil conspiracy claims by a greater weight of the evidence against any Defendant, you must consider the amount of money that will reasonably compensate the County Governments for the injuries that they suffered as a result of the liable Defendant(s)' conduct. This amount is called "compensatory damages." You should not assume that the County Governments can recover damages just because I am instructing you about damages. It is exclusively for you to decide whether any one of the Defendants is liable. I am instructing you on damages only so that you will have guidance if you decide that the County Governments can recover damages.

Authority: Modern Federal Jury Instructions, Civil, § 77.01 (2019) (modified); 3 Fed. Jury Prac. & Instr. § 106:02 (6th ed.) (modified).

Damages – Nuisance

You have heard evidence and arguments about whether each of the Defendants caused a public nuisance. I instruct that you are not to award the County Governments any damages for a public nuisance. If you conclude that a public nuisance exists, I will determine the appropriate remedy. Any award of damages must be based only on the evidence and argument on the County Governments' RICO, OCPA, and conspiracy claims.